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March 11, 2024

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CASE# 1:22-cv-07662

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KEVIN CAMPBELL,

Plaintiff,

-against-

FEDERAL EXPRESS CORPORATION a/k/a FEDEX EXPRESS,
and ERIC WANDERS, Individually,

Defendants.

-----x

March 11, 2024

1:00 p.m.

Video Conference Deposition of the
Non-Party Witness AUGUSTO ALZATE pro se
(Via Conference), pursuant to Subpoena, before
Robert S. Barletta, a Notary Public of the State
of New York.

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March 11, 2024

(1)

(2) **A P P E A R A N C E S:**

(3) **JESSICA MASSIMI, ESQ.**

(4) **Attorneys for Plaintiff**

(5) **99 Wall Street**

(6) **New York, New York 10005**

(7) **(Via Conference)**

(8) **EMAIL: Jessica.massimi@gmail.com**

(9)

(10) **GABRIEL MCGAHA, ESQ.**

(11) **Attorneys for Federal Express**

(12) **3620 Hacks Cross Road**

(13) **Memphis, Tennessee 38125**

(14) **(Via Conference)**

(15) **PH: 901-434-3131**

(16)

(17) **ALSO PRESENT (Via Conference):**

(18) **SHAWN DANIEL**

(19) **CHRISTIAN CABRERA, Spanish Interpreter**

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S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND

(6)

AGREED by and between (among) counsel

(7)

for the respective parties herein, that the

(8)

filing, sealing and certification of the within

(9)

deposition be waived.

(10)

(11)

IT IS FURTHER STIPULATED AND

(12)

AGREED that all objections, except as to the

(13)

form of the question, shall be reserved to

(14)

the time of the trial.

(15)

(16)

IT IS FURTHER STIPULATED AND

(17)

AGREED that the within deposition may be

(18)

sworn to and signed before any officer

(19)

authorized to administer an oath, with the

(20)

same force and effect as if signed and sworn

(21)

to before the Court.

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V I D E O C O N F E R E N C E

(3)

IT IS HEREBY STIPULATED AND

(4)

AGREED by and between counsel for all parties

(5)

present that Pursuant to C.P.L.R. Section

(6)

3113(d) this deposition is to be conducted by

(7)

video conference, that the court reporter, all

(8)

counsel, and the witness are all in separate

(9)

remote locations and participating via Video

(10)

Conference meeting under the control of Lexitas

(11)

Court Reporting Service, that the officer

(12)

administering the oath to the witness need not

(13)

be in the place of the deposition and the

(14)

witness shall be sworn in remotely by the court

(15)

reporter after confirming the witness'

(16)

identity, that this video conference will not

(17)

be recorded in any manner and that any

(18)

recording without the express written consent

(19)

of all parties shall be considered

(20)

unauthorized, in violation of law, and shall

(21)

not be used for any purpose in this litigation

(22)

or otherwise.

(23)

(24)

(25)

(1)

(2) V I D E O C O N F E R E N C E (Cont'd)

(3) IT IS FURTHER STIPULATED AND

(4) AGREED that exhibits may be marked by the

(5) attorney presenting the exhibit to the

(6) witness, and that a copy of any exhibit

(7) presented to a witness shall be e-mailed to

(8) or otherwise in possession of all counsel

(9) prior to any questioning of a witness

(10) regarding the exhibit in question. All

(11) parties shall bear their own costs in the

(12) conduct of this deposition by video

(13) conference, notwithstanding the obligation by

(14) C.P.L.R. to supply a copy of the transcript

(15) to the deposed party by the taking party in

(16) civil litigation matters.

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- oOo -

(1) Alzate
(2) C H R I S T I A N C A B R E R A, called as
(3) the interpreter in this matter, was duly
(4) sworn by the Notary Public of the State of
(5) New York to accurately and faithfully
(6) translate the questions to the witness from
(7) English into Spanish and the answers given
(8) by the witness from Spanish into English.
(9)

(10) A U G U S T O A L Z A T E, called as a
(11) witness, having been duly sworn by the
(12) Notary Public, was examined and
(13) testified as follows:
(14)

(15) EXAMINATION BY

(16) **MS. MASSIMI:**

(17) **THE REPORTER:** Please state your full
(18) name for the record.

(19) **THE WITNESS:** Augusto Alzate.

(20) **THE REPORTER:** What is your address?

(21) **THE WITNESS:** My address is 32-11,
(22) 104th Street, East Elmhurst, Queens, New
(23) York.

(24) **MS. MASSIMI:** Thank you, Mr. Cabrera for
(25) being here on such short notice. We didn't

(1) Alzate

(2) know we needed an interpreter.

(3) THE INTERPRETER: No problem.

(4) MS. MASSIMI: Thank you for waiting and
(5) thank you for being here today. I appreciate
(6) it. My name is Jessica Massimi. I am an
(7) attorney. I represent the plaintiff,
(8) Kevin Campbell in the case we are here to
(9) discuss today. The purpose of this
(10) deposition is for me to ask you questions
(11) about the incident giving rise to this
(12) lawsuit. I am going to try not to take too
(13) much of your time. I know you already waited
(14) here for some time today and I appreciate
(15) that. I am going to try to move through this
(16) quickly.

(17) THE WITNESS: Very well.

(18) MS. MASSIMI: If you don't understand a
(19) question that I ask, let me know. If you
(20) need me to restate a question, let me know.
(21) If you need to revisit any of your testimony
(22) during this deposition, let me know.

(23) THE WITNESS: All right.

(24) MS. MASSIMI: Because there is a court
(25) reporter here taking down everything that

(1) **Alzate**

(2) **gets said, we have to speak up and our**
(3) **answers have to be verbal. We can't use**
(4) **gestures. The court reporter has to write it**
(5) **down.**

(6) Q. Does that make sense?

(7) **A. All right.**

(8) Q. Do you understand, sir, that you have
(9) taken an oath to tell the truth here today?

(10) **A. Yes, I understand.**

(11) Q. Do you understand that even though we
(12) are all here over Zoom and you are in a conference
(13) room, the oath you've taken here today is the same
(14) oath you would take as if you were in a courtroom
(15) in the front of a judge?

(16) **A. No, I didn't know. But I know now.**

(17) Q. So you've taken an oath to tell the
(18) truth here today. It is the same oath you would
(19) take if you were in a courtroom in front of a
(20) judge.

(21) **A. Now I understand.**

(22) Q. Based on that, are you okay to go
(23) forward and testify here today?

(24) **A. Yes.**

(25) Q. How old are you?

(1) Alzate

(2) **A. More than 65.**

(3) Q. What is your weight?

(4) **A. 153. Around there.**

(5) Q. What is your height?

(6) **A. 5'5".**

(7) Q. Did you have approximately the same
(8) weight and stature in 2021 that you have now?

(9) **A. A similar stature. Yes. I think in**
(10) **2021 I weighed less. Around that time I believe I**
(11) **weighed 145.**

(12) Q. Are you currently employed?

(13) **A. Yes.**

(14) Q. Where do you work?

(15) **A. In a company by the name Sakara Life**
(16) **(phonetic) with an S.**

(17) Q. How long have you been employed by
(18) Sakara?

(19) **A. On March 30th it is going to be two**
(20) **years.**

(21) **MS. MASSIMI: Glad to hear you were able**
(22) **to find employment.**

(23) Q. What type of company is Sakara?

(24) **A. That is a company. It is like they make**
(25) **organic Salads.**

(1) **Alzate**

(2) Q. What do you do for them?

(3) A. I work in an area called pupo
(4) (phonetic). We pack the food they do in the
(5) kitchen. We pack it up in containers where the
(6) food goes. After we take it to pack out, my job
(7) mostly consists of closing the -- making the
(8) dressing, closing where the dressing goes, you
(9) know, you put the dressing and the food. Closing
(10) that. We put it in the cart and that is basically
(11) my job.

(12) Q. Are you employed full-time?

(13) A. Yes, I do pretty much full-time. The
(14) work right now is a little slow. I work around 33
(15) to 34 hours.

(16) Q. Sir, where were you born?

(17) A. I was born in Columbia.

(18) MS. MASSIMI: I didn't realize that you
(19) might want a translator here today.

(20) Q. Am I correct you are comfortable and
(21) prefer proceeding with this deposition in Spanish?

(22) A. Of course I feel more comfortable.
(23) Obviously. It is my first language. That is why
(24) I wanted an interpreter in order for me to
(25) understand and also for me to be able to

(1) Alzate

(2) understand what is being said to me. Yes, I do
(3) understand a lot of English. I am able to speak
(4) it more or less. Just to be more secure and more
(5) sure, I asked for an interpreter for us to avoid
(6) any misunderstanding and for me to understand
(7) everything.

(8) Q. When were you employed at FedEx?

(9) A. I have the date here when I started. I
(10) am going to look for it.

(11) Q. Okay.

(12) A. Yes. So, I started working in Fed Ex on
(13) September 17, 2015.

(14) Q. Sir, did you happen to bring any
(15) documents with you today related to this lawsuit?

(16) A. About a year ago I threw away all of
(17) that because I live in a small room. I don't have
(18) space to keep all of these documents. So, about a
(19) year ago I no longer saw the reasoning for having
(20) these documents. So, I threw everything away.
(21) When I received the letter about coming here for
(22) this interview. I searched my documents to see if
(23) I had anything related to Fed Ex. No. I threw
(24) everything away. I had it for like two or
(25) three years. After that, I didn't see a reason

(1) **Alzate**

(2) **for me to keep holding it.**

(3) Q. Have you spoken to anyone from FedEx
(4) about this lawsuit?

(5) A. I was not even aware there was a lawsuit
(6) with FedEx until I received this letter. I did
(7) not talk to anybody from FedEx never again. I
(8) talked to nobody from FedEx. I don't have any
(9) contact with anybody from FedEx. No one.

(10) Q. Today, we are here to discuss a lawsuit
(11) that Kevin Campbell brought against FedEx. You
(12) are not a defendant in that lawsuit.

(13) A. Understood.

(14) MS. MASSIMI: In this lawsuit, Kevin
(15) Campbell is alleging discrimination against
(16) FedEx. But I want to ask you some questions
(17) about an incident between you and
(18) Mr. Campbell that resulted in both of you
(19) being terminated. You are not in trouble or
(20) anything. I am just going to ask you
(21) questions about what happened. Again, you
(22) are not a defendant here. What happened with
(23) you and Kevin Campbell is a small part of
(24) what is alleged in his complaint.

(25) THE WITNESS: Okay. I understand now

(1) **Alzate**

(2) **better. Like that. I am now more**
(3) **comfortable.**

(4) Q. Do you have any questions for me about
(5) what this is about before I begin asking you some
(6) specific questions?

(7) A. Okay. So, I want to make sure I
(8) understand the reason why I am here. Because you
(9) want to know, I suppose, what happened that day
(10) between me and I don't remember the date nor the
(11) year, but what happened between me and Kevin.
(12) That incident. That is what you want to know.
(13) Right?

(14) MS. MASSIMI: Yes. But not because he
(15) is in trouble or subject to any liability.
(16) He is not a defendant here. I am just here
(17) to ask you questions about the incident that
(18) led to both of you being terminated.

(19) THE WITNESS: I understand.

(20) THE INTERPRETER: He is asking what did
(21) the reporter say.

(22) MS. MASSIMI: The reporter is telling me
(23) to speak directly to the witness, not the
(24) interpreter.

(25) Q. Do you recall being involved in an

(1) Alzate

(2) incident with Kevin Campbell when you worked at
(3) FedEx that led to both of you being terminated?

(4) **A. Yes, I do remember.**

(5) Q. Can you please explain to me what you
(6) recall happening with that incident, sir?

(7) **A. Yes, I am going to tell you what I**
(8) **remember the most. Do I say everything as I**
(9) **remember?**

(10) Q. You can go ahead and say everything you
(11) remember. I will leave it to you to work it out.
(12) Let the interpreter translate what you said.

(13) **A. Okay. That day I remember I was working**
(14) **in the department of documents. This department**
(15) **is of the documents where you have to separate**
(16) **them by area and you need to put them according to**
(17) **their place. After that part, there is something**
(18) **you needed to do daily and FedEx recycles**
(19) **consisting of you taking back or putting back to**
(20) **its correct place all of the packages that passed**
(21) **through the belt and you need to put them back to**
(22) **their corresponding areas one by one. Do I**
(23) **continue?**

(24) Q. Yes.

(25) **A. I am closing my eyes so I can remember**

(1) Alzate
(2) well. So then when I finished with the documents,
(3) I was by the area where Kevin was working at. At
(4) that moment Kevin was working every day in the
(5) same spot and I was passing by his area, and I saw
(6) that he was letting a lot of packages go by, and I
(7) got mad, and then I told him. I went back. I
(8) told him. Kevin, what the fuck are you doing.
(9) You are letting all the packages go by. You are
(10) letting them pass by, and then I am the one who
(11) has to put them back in the correct places. Then
(12) he responded, I don't care. The work of Kevin
(13) consisted of, he was working on the main belt. It
(14) is called a belt. The job he needed to do in that
(15) area was that all of the packages that were
(16) directed to Flushing. So there is a main belt and
(17) then next to the main belt where he was working,
(18) there is another belt where he was supposed to
(19) push the packages on the main belt. The ones that
(20) were headed to Flushing, he was supposed to push
(21) those packages to the Flushing belt. So, all he
(22) needed to do really was push the packages that had
(23) an address of Flushing or headed to Flushing. He
(24) was to push them from the Flushing belt. That is
(25) done by pushing them. He would let them go by.

(1) Alzate

(2) He would let them keep going on the main belt and
(3) because he was always looking at his phone or he
(4) worked with one hand and every day he let the
(5) packages go by.

(6) Q. Can I ask a question?

(7) A. Of course.

(8) Q. Did the managers know about this?

(9) A. So, I would tell the managers every day
(10) the same thing. I would tell them. Don't put
(11) Kevin in that area because he allows the packages
(12) to go by. Then I am the one that has to do that
(13) work. Every day I told them. Even the principal
(14) or the main manager. I don't remember his name
(15) but I always told them, don't put Kevin there
(16) every day. He lets a bunch of packages go by.
(17) Every day I told both of the managers that were
(18) there. I told them. Look at this job. They
(19) would keep putting Kevin at the same spot. They
(20) would tell me they had nobody else. I said switch
(21) something. Change something. Everyday the same
(22) issue with that person, then I was the one that
(23) had to compensate for all of that. He was killing
(24) me. Every day. I said he was lazy. He would let
(25) the packages go by. I even told my co-worker.

(1) Alzate

(2) The co-workers knew about it. My co-workers would
(3) tell me, Augusto, tell the manager. I would tell
(4) the manager. They would do nothing. Every day
(5) for two months, I told them please change Kevin.
(6) They stay shut and say we have nobody else.

(7) Q. There were issues between you and Kevin?

(8) A. I would tell Kevin many times when I
(9) would pass by there. I'd say, Kevin you are
(10) letting a lot of packages go by. You are letting
(11) a lot of packages go by. He wouldn't say nothing.
(12) He simply stayed shut. Kevin, you are letting a
(13) lot of packages go by. Sometimes he would say I
(14) don't care. I told him before we had the incident
(15) which we lost our job. I told him many times.
(16) Kevin, you are letting a lot of packages go by.
(17) I'd tell him in a good manner just making a
(18) comment, but he didn't care.

(19) Q. When you said that Kevin was lazy, is
(20) that something you said to Kevin or something you
(21) said to the managers, to your co-workers or
(22) someone else?

(23) A. Yes, I would tell my co-workers. I
(24) would tell my managers. I would tell all of them.
(25) I would say that, you know, that he was always

(1) **Alzate**

(2) **looking at his phone. He is very lazy or either**
(3) **working with only one hand. Everyone says we know**
(4) **that he is lazy. Tell the managers. You are**
(5) **putting me to work with him. He is lazy. I would**
(6) **tell everybody, how can I. Basically, I had to do**
(7) **all the work for him.**

(8) **Q. Do you believe FedEx was treating you**
(9) **this way because of your age?**

(10) **A. If I am thinking what? Treating me like**
(11) **that?**

(12) **Q. Did FedEx fix this problem that you say**
(13) **you were telling them about?**

(14) **A. No, they never fixed it. They never did**
(15) **nothing until the day I was fired. They kept**
(16) **putting Kevin there. They kept putting Kevin**
(17) **there. They never did nothing.**

(18) **Q. My question is, do you believe FedEx**
(19) **treated you that way in part because of your age?**

(20) **A. No, I don't think so. I really don't**
(21) **think so. I don't think the age had anything to**
(22) **do with the things that FedEx would make me do.**

(23) **Q. Do you believe that FedEx was**
(24) **discriminating against you for any reason?**

(25) **A. No, I never felt any discrimination**

(1) **Alzate**

(2) **never. For no reason. You know, I never felt**
(3) **FedEx being discriminatory against me.**

(4) Q. Do you know who Eric Wanders is?

(5) A. Yes. Of course. From the moment which
(6) I worked there, he became the senior manager of
(7) the station where I worked.

(8) Q. Did you ever tell Eric Wanders you
(9) thought Kevin wasn't doing his job?

(10) A. No. He was the senior manager. I
(11) didn't like going into his office. I never told
(12) him. I would tell the managers of the other belt.
(13) I forget their names, but yes, the managers of the
(14) other belts. Eric Wanders, no. I never told him.
(15) I never told him.

(16) Q. Why didn't you like going to Eric
(17) Wanders' office?

(18) A. I would think that, you know, I wouldn't
(19) feel good because I would think to myself, what am
(20) I going to do telling him if I already told these
(21) managers that are outside, you know, to find a
(22) solution to the problem. No, I did not see a
(23) reason why to tell him. I told the other
(24) managers.

(25) Q. Do you remember any of the manager's

(1) Alzate

(2) names that you told?

(3) A. I believe that the one that I told the
(4) most now that I am remembering, the one who would
(5) have Kevin in that area. His name is Monte. That
(6) was the manager of the belt. One of the belts he
(7) was always the one who would put him. Monte. He
(8) is the manager of the belt. Kevin worked also as
(9) a chauffeur doing deliveries in that company.
(10) Before you do deliveries you have to be a package
(11) handler, then Monte was the one who would always
(12) put Kevin there. He was like a supervisor of
(13) Kevin.

(14) MS. MASSIMI: I believe he was referring
(15) to Monte Bovell, B-o-v-e-l-l.

(16) Q. When you complained to Monte Bovell
(17) about Kevin, what would Monte say to you?

(18) A. No. He wouldn't say nothing. He simply
(19) said tomorrow I will switch him. He would say
(20) okay. Tomorrow. When tomorrow would arrive I
(21) would say Monte. I tell him. Monte, you told me
(22) you were going to switch him, then he would tell
(23) me he had nobody else. I kept insisting to Monte.
(24) Don't put Kevin there. Please. He wouldn't
(25) saying anything. He stayed shut. Make certain

(1) **Alzate**

(2) **gestures, but he would stay quiet.**

(3) Q. Did other managers besides Monte know
(4) about the problems you were having with Kevin?

(5) A. Yes. Of course. Besides Monte, there
(6) was a manager. I would tell him also. I don't
(7) remember his name, but he is Hispanic. He was the
(8) manager of the next belt. I don't remember the
(9) name. I would tell him a lot. He was the manager
(10) of the Flushing belt where we are. Kevin needs to
(11) push the packages. Kevin needs to push the
(12) packages to that belt. He was the manager of that
(13) belt. I would tell him a lot.

(14) Q. Who was your manager at the time?

(15) A. Well, all of them were my managers. I
(16) didn't have a specific manager because my job was
(17) a package handler. I needed to move the packages
(18) and scan them and put them in their correct place.
(19) I didn't have a fixed manager besides Eric
(20) Wanders. You know, managers would tell me do this
(21) and other managers tell me do that. There were
(22) four belts. Each had a manager, but the one
(23) manager who would supervise the other managers, I
(24) don't recall his name. My manager was the night
(25) manager because I worked in FedEx during the day

(1) Alzate

(2) and during the night I would work some hours in
(3) the morning and then I would come back at night
(4) and do the night work. So my direct manager was
(5) the night manager, but I don't remember his name.

(6) Q. Did you ever complain to someone named
(7) Steve Pasqualiccio (phonetic)?

(8) A. I believe so. I am remembering now who
(9) was Steve Pasqualiccio, but I don't remember if I
(10) made a complaint directly to him in regard to --
(11) what is the question again? Are you asking if I
(12) complained in regard to Kevin?

(13) Q. Correct.

(14) A. I don't remember. Maybe I told him.
(15) Maybe I made to him a comment because Steve
(16) Pasqualiccio, he worked in the night. He was the
(17) manager of the nighttime. Maybe I said a comment
(18) to him thinking he would find a solution, but I am
(19) not too sure.

(20) Q. Did you ever complain to Mike Bradley
(21) about Kevin Campbell?

(22) A. Mike Bradley. I believe so. I believe
(23) I told him. Mike Bradley, I believe, was my
(24) manager because there were two Mikes there. One
(25) in the morning. One at night. Mike was the

(1) **Alzate**

(2) **manager, yes. There was one in the morning and**
(3) **one at night.**

(4) Q. Did you ever complain to Frank Atanada
(5) (phonetic) about Kevin Campbell?

(6) A. I don't recall very well. But Frank.
(7) Now, I remember Frank. He was a manager before
(8) Monte. The most probable. Yes. But I don't
(9) recall very well because it was a long time that
(10) Frank left there, but I did complain to Monte. I
(11) believe so, but I can't recall exactly.

(12) Q. Did you ever complain to Henry Nunez
(13) about Kevin Campbell?

(14) A. Yes. Now I recall clearly. Henry
(15) Nunez. He was the second person I would tell the
(16) most. He was the manager of the Flushing belt.
(17) First, I'd tell Monte, then I would tell Henry
(18) Nunez.

(19) Q. Did you and Kevin Campbell ever argue
(20) loudly with each other about the issues that were
(21) going on?

(22) A. I don't remember very well if loudly,
(23) but most probably yes because I was always
(24) complaining to him as to why would he do such a
(25) bad job and everything to me. So I would imagine.

(1) Alzate

(2) So. Yes. Loudly. I don't recall.

(3) Q. So, what happened on the day that led to
(4) you and Mr. Campbell's termination?

(5) A. So, I was walking by there. I saw a lot
(6) packages he had left. When Kevin was stationed, I
(7) saw he allowed many packages to go by, then I went
(8) back. So, then I went back to where he was. I
(9) was angry. I told him. Kevin. What the fuck.
(10) Look. We are letting everything pass by. All of
(11) the fucking packages. I have to go back. I have
(12) to do it again. Then he said, I don't care. At
(13) that moment there was -- he had allowed for a big
(14) box to pass by. So, then I got that box and while
(15) I got that big box, he was getting another
(16) package. So, with using a lot of strength, I
(17) pushed the big box. I pushed it back and I had to
(18) push it hard for the box to be able to go back.
(19) The belt was running. You have to push it hard
(20) for it to go in the opposite direction where the
(21) belt running to. Then I told him, look, you are
(22) letting them pass. You don't care. Right when I
(23) pushed the box back, he said that it hit him in
(24) his hand because he was getting another box. Like
(25) this. He said I hit him in the hand with the box

(1) Alzate

(2) because I had to push the box hard and then I hit
(3) him on the hand, and then he told me why did you
(4) hit me. He pushed me. Like this. I believe I
(5) fell to the floor because where he pushed me like
(6) that and I believe I fell to the floor. Do I
(7) continue?

(8) Q. Sure.

(9) A. So, I believe I fell to the floor. I
(10) believe I fell to the floor and then when I get
(11) up, I put myself in front of him. Now, I thought
(12) he was going to keep hitting me. So, since I was
(13) a package handler, in my pocket I had like a
(14) knife. Sort of a cutting knife to cut the tape
(15) from the boxes. Things like that. So, then I
(16) stood up and then I grabbed the knife. I opened
(17) it. I put it to him over here. I put it to him
(18) right here with the purpose of him to feel scared.
(19) Because I thought he was going to keep hitting me.
(20) I thought he was going to keep hitting me and
(21) since he was younger than I was and taller, I
(22) wouldn't be able to deal with him. It was for me
(23) to scare him. I put the knife right here, but
(24) that is all I wanted to do. I didn't want to do
(25) nothing else. I wanted him to feel scared, then

(1) **Alzate**

(2) **he grabbed my hand and then after he grabbed my**
(3) **hand, the co-workers, they came and got scared.**
(4) **They told me, no. Augusto, calm down. Drop the**
(5) **knife. But I did it mostly for him to just to be**
(6) **scared. Not to hit me more. That is why I didn't**
(7) **want to let go of the knife. I didn't want to**
(8) **damage him or do harm to him. I just wanted to**
(9) **scare him. My co-workers took the knife from me**
(10) **Monte came. He told me to go to the office and**
(11) **wait for me there. That is it.**

(12) Q. You said Kevin pushed you and hit you;
(13) correct?

(14) A. No. He did push me, but he didn't hit
(15) me.

(16) Q. He pushed you and didn't hit you?

(17) A. He pushed me and I fell to floor. To
(18) say he hit me. No, he didn't hit me.

(19) Q. How many times did Mr. Campbell push
(20) you?

(21) A. From what I remember, once.

(22) Q. What part of Mr. Campbell's body did he
(23) use to push you according to you?

(24) A. Both hands. Like this.

(25) Q. Like what?

(1) Alzate

(2) A. He put both hands on my chest and he
(3) pushed me like that.

(4) Q. Are you saying Mr. Campbell put both
(5) hands on your chest and extended his arms using
(6) force to push your body away from his?

(7) A. That is what I remember. Yes. That is
(8) what I remember.

(9) MS. MASSIMI: This is something I
(10) usually ask at the beginning of the
(11) deposition. I forgot to ask this. I
(12) apologize. I am going to ask it now.

(13) Q. Do you have any physical or mental
(14) condition that would impact your ability to
(15) testify or remember events today?

(16) A. No. The only thing is, like I said
(17) before, there are some things I forget. Like the
(18) dates. Things like that. Also, I am not sure if
(19) he pushed me. If I fell to the ground. I think
(20) so, but I don't recall very well.

(21) Q. Did you have to get any medical
(22) treatment related to that altercation with Kevin
(23) Campbell?

(24) A. No, none.

(25) Q. Do you recall writing a statement for

(1) Alzate

(2) FedEx following this incident?

(3) **A. Writing? Me write?**

(4) Q. Yes. Is that yes?

(5) **A. I am not sure, but I believe Monte did**
(6) **tell me to write a report. He told me to write a**
(7) **handwritten report, but I am not too sure. But**
(8) **yes. I think Monte did tell me to write a**
(9) **handwritten report of what happened.**

(10) Q. In 2021, were you able to write in
(11) English?

(12) **A. The thing is, I am able to write in**
(13) **English very much. I write in English a lot.**
(14) **Yes, I would say so. Yes, I can write and read in**
(15) **English.**

(16) Q. The box that you were describing earlier
(17) that you had to push up the belt, how large was
(18) that box?

(19) **A. It was a big box. I would say somewhere**
(20) **around 12 to 15 inches by 20, but I am not too**
(21) **sure. It was heavy.**

(22) Q. Do you believe that the managers you
(23) complained to should have done something to fix or
(24) address your complaints prior to this incident
(25) with Kevin?

(1) Alzate

(2) A. Of course they should have done
(3) something. They should have done something like
(4) that. They could have prevented something
(5) happening after me telling them so many times
(6) telling them. One day, I was going to lose my
(7) patience or Kevin is going to lose his patience.
(8) They could have or should have done something.
(9) They all could have done something. They are all
(10) managers. They could have switched Kevin for
(11) somebody else. Yes. Of course. They should have
(12) done something.

(13) Q. Do you know if the managers listened to
(14) your complaints you and Kevin both would have your
(15) jobs today?

(16) A. Of course. Yes, of course. If it
(17) wasn't for that. If they would have fixed that
(18) issue after me telling them so many times.
(19) Telling the managers. I would still be there. I
(20) like FedEx a lot. I would still be there to this
(21) day. I like the company. At least me. I don't
(22) know about Kevin. If they would have found the
(23) solution to that issue I would be there. For
(24) sure.

(25) MS. MASSIMI: Thank you for your time,

(1) Alzate

(2) sir I don't have any further questions.

(3) THE WITNESS: I have a question. I am
(4) not going to be needed for this again?
(5) Things like this again. Right?

(6) MS. MASSIMI: I don't know. The only
(7) thing I can think of is if this case were to
(8) go to trial. It is possible. But I can't
(9) answer that. If at all it would be one more
(10) time. Not any time soon.

(11) THE WITNESS: Okay. Well, I would like
(12) to say that in many cases if I do need to
(13) come to something like that again because I
(14) had to get a day off from work. I am losing
(15) work today. I am losing a day of work. If
(16) something like that does come up again, I
(17) need to lose a day of work. I will ask for
(18) me to get compensated because I am losing a
(19) day of work.

(20) MS. MASSIMI: Yes. I understand that,
(21) sir. I actually don't think that I was able
(22) to have contact with you prior to this or I
(23) would have been happy to accommodate your
(24) work schedule.

(25) THE WITNESS: Okay. I understand. So

(1) **Alzate**

(2) **you would have done it like on a day I had**
(3) **off.**

(4) **Q. Do you need a letter from anyone today**
(5) **to give to your supervisor?**

(6) **A. No, I don't need a letter. The**
(7) **appointment letter that I received from you. That**
(8) **is enough. I showed that to my supervisor and it**
(9) **is fine. No, I don't need it.**

(10) **MS. MASSIMI: If you have any issues you**
(11) **can contact me. The information is at the**
(12) **bottom of the subpoena.**

(13) **THE WITNESS: The phone right there.**
(14) **The one I called right now.**

(15) **MS. MASSIMI: I don't know. There were**
(16) **a lot people who called me.**

(17) **Q. Is yours 9701?**

(18) **A. Yes.**

(19) **MS. MASSIMI: That is your phone number.**
(20) **Okay.**

(21) **Q. What is your mailing address?**

(22) **THE INTERPRETER: He is thinking you are**
(23) **asking for his e-mail. He received a lot of**
(24) **e-mails. He doesn't read his e-mails. If**
(25) **there is another way.**

(1) **Alzate**

(2) **MS. MASSIMI: I just want to make sure I**
(3) **have the correct mailing address.**

(4) **Q. The address on the subpoena is the**
(5) **correct address? I am assuming it is.**

(6) **A. I have a P.O. Box.**

(7) **Q. Can I have the P.O. Box?**

(8) **A. Hold on. It is on my license.**

(9) **Q. Okay.**

(10) **A. P.O. Box 728357, Jackson Heights, New**
(11) **York 11372.**

(12) **Q. Where do you live. Can you tell me you**
(13) **where you live? Your address.**

(14) **A. It is the address where I got the**
(15) **subpoena. 3211 --**

(16) **MS. MASSIMI: Okay. All set. Thank you**
(17) **so much. I appreciate your time.**

(18) **THE WITNESS: One thing. If you need**
(19) **me, don't call me. I don't pick up telephone**
(20) **numbers. I don't know. Send me a message or**
(21) **a letter.**

(22) **MS. MASSIMI: Understood. I will do my**
(23) **best to follow that in the event we do need**
(24) **to get in touch with you.**

(25) **THE WITNESS: Okay.**

(1)

Alzate

(2)

MS. MASSIMI: Thank you.

(3)

(4)

(Time noted: 2:27 p.m.)

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(1)

(2)

A C K N O W L E D G M E N T

(3)

(4)

STATE OF NEW YORK)

: ss

(5)

COUNTY OF _____)

(6)

(7)

I, AUGUSTO ALZATE, hereby certify that

(8)

I have read the transcript of my testimony taken

(9)

under oath in my deposition of March 11, 2024,

(10)

that the transcript is a true, complete and

(11)

correct record of my testimony, and that the

(12)

answers on the record as given by me are true and

(13)

correct.

(14)

(15)

(16)

(17)

(18)

(19)

AUGUSTO ALZATE

(20)

(21)

(22)

Signed and subscribed to before

(23)

me, this _____ day

of _____, 2024.

(24)

(25)

Notary Public, State of New York

(1)	I N D E X		35
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(4)			
(5)	EXHIBITS MARKED FOR IDENTIFICATION		
	No.	Description	Page
(6)	NONE	-----	
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(10)	QUESTIONS/ANSWERS MARKED IN THE TRANSCRIPT		
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(11)	NONE-----		
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C E R T I F I C A T E
STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, ROBERT S. BARLETTA, a Notary
Public within and for the State of New York, do
hereby certify:

That AUGUSTO ALZATE, the witness whose
deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of the testimony given by such witness.

I further certify that I am not
related to any of the parties to this action by
blood or marriage; and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 11th day of March, 2024.


ROBERT S. BARLETTA

(1) ERRATA SHEET FOR: AUGUSTO ALZATE

(2) AUGUSTO ALZATE, being duly sworn, deposes and
(3) says: I have reviewed the transcript of my
(4) proceeding taken on 03/11/2024. The following
(5) changes are necessary to correct my testimony.

(5)	PAGE	LINE	CHANGE	REASON
(6)	----	----	-----	-----
(7)	----	----	-----	-----
(8)	----	----	-----	-----
(9)	----	----	-----	-----
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(19)	----	----	-----	-----
(20)	----	----	-----	-----
(21)	----	----	-----	-----
(22)	----	----	-----	-----

(23) Witness Signature: _____

(24) Subscribed and sworn to, before me
this ____ day of _____, 20 ____.

(25) _____
(NOTARY PUBLIC) MY COMMISSION EXPIRES

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